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OFFICE OF PETITIONS

In re Application of
Danielle Renee Forget Shield
Application No. 10/799,826
Filed: March 12, 2004
Attorney Docket No. 020976-00100

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.53, filed August 6, 2004, to accord the above-identified application a filing date of March 12, 2004, with 24 sheets of drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 12, 2004. However, on July 21, 2004, the Initial Patent Examination Division mailed applicant a "Notice of Incomplete NonProvisional Application." Applicant was notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

In response, applicant filed the instant petition. Accompanying the petition was a copy of the application purportedly filed, including 24 sheets of drawings. Applicant maintains that the application as originally filed included 24 pages of drawings. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of March 12, 2004, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Regarding the itemization required on a postcard receipt, the Manual of Patent Examining Procedure § 503 also states:

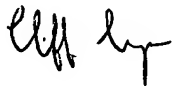
The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

Petitioner is reminded that his itemization of "Drawings" on the postcard would **not** have served as sufficient proof that all drawings were received if the PTO determined that only some of the sheets of drawings were missing.

Given the basis for granting the petition, no petition fee is required, and none has been charged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of March 12, 2004, using the application papers received in the Office on that date and the 24 pages of drawings as resupplied on petition filed August 6, 2004, and for indication in Office records that 24 sheets of drawings was present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions